

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sandra Klein, Presiding  
Courtroom 1575 Calendar**

**Thursday, July 06, 2017**

**Hearing Room 1575**

8:30 AM

**2:12-41309 Leticia Gutierrez**

**Chapter 13**

**#1.10** Hrg re debtor's motion to avoid junior  
lien on principal residence

creditor: Cienega HOA c/o Keystone  
Pacific Management

fr. 6-29-17

Docket 51

**Tentative Ruling:**

**7/6/17**

The debtor's motion is granted. The claim of the junior lienholder is to be treated as an unsecured claim and to be paid through the plan pro rata with all other unsecured claims. The beneficiary of the trust deed encumbered by the junior lien will retain its lien against the subject property to the extent recognized by applicable nonbankruptcy law unless and until the debtor fully performs under the chapter 13 plan or the debtor receives a discharge pursuant to 11 U.S.C. §1328. Upon the completion of all payments under the chapter 13 plan or upon entry of a discharge pursuant to 11 U.S.C. §1328 in this case, the junior lien arising from the deed of trust against the subject property will be void and will not constitute an encumbrance on the subject property.

Pursuant to LBR 9021-1(b)(1)(B), movant must serve and lodge a proposed order via LOU within 7 days of the hearing. Appearances waived.

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Leticia Gutierrez

Represented By  
Matthew D Resnik  
S Renee Sawyer Blume

**Movant(s):**

Leticia Gutierrez

Represented By

**United States Bankruptcy Court  
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**CONT...**

**Leticia Gutierrez**

**Chapter 13**

Matthew D Resnik  
Matthew D Resnik  
Matthew D Resnik  
S Renee Sawyer Blume  
S Renee Sawyer Blume  
S Renee Sawyer Blume

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1575 Calendar**

**Thursday, July 06, 2017**

**Hearing Room 1575**

9:00 AM

**2:12-44994 Geryl Sa-onoy Pineda and Jennifer Tabucan Pineda**

**Chapter 13**

**#2.10** Hrg re motion to modify plan or  
suspend plan payments

fr. 5-11-17

Docket 58

**Tentative Ruling:**

**7/6/17**

Appearances required.

**5/11/17**

Appearances required.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Geryl Sa-onoy Pineda

Represented By  
Paul M Allen

**Joint Debtor(s):**

Jennifer Tabucan Pineda

Represented By  
Paul M Allen

**Movant(s):**

Kathy A Dockery (TR)

Pro Se

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Thursday, July 06, 2017**

**Hearing Room 1575**

9:00 AM

**2:13-10634 Maryann Nadeau**

**Chapter 13**

**#3.10** Hrg re motion to modify plan *ORD. ENT. 5/15/17 RESOLVING MTN.*  
or suspend plan payments

fr. 4-20-17

Docket 38

**Tentative Ruling:**

**7/6/17**

Order granting motion to modify entered 5/15/17. Appearances waived.

**4/20/17**

Appearances required.

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| <b>Party Information</b> |
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**Debtor(s):**

Maryann Nadeau

Represented By  
Thomas B Ure

**Movant(s):**

Maryann Nadeau

Represented By  
Thomas B Ure

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Thursday, July 06, 2017**

**Hearing Room 1575**

9:00 AM

**2:14-26260 Jose J Acero Nunez and Rebecca G. Acero**

**Chapter 13**

**#4.10** Hrg re motion to modify plan  
or suspend plan payments

fr. 4-20-17, 6-8,

Docket 32

**Tentative Ruling:**

**7/6/17**

Appearances required.

**6/8/17**

Appearances required.

**4/20/17**

Appearances required.

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| <b>Party Information</b> |
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**Debtor(s):**

Jose J Acero Nunez

Represented By  
Leonard Pena

**Joint Debtor(s):**

Rebecca G. Acero

Represented By  
Leonard Pena

**Movant(s):**

Rebecca G. Acero

Represented By  
Leonard Pena  
Leonard Pena

Jose J Acero Nunez

Represented By  
Leonard Pena  
Leonard Pena

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**CONT... Jose J Acero Nunez and Rebecca G. Acero**

**Chapter 13**

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Thursday, July 06, 2017**

**Hearing Room 1575**

9:00 AM

**2:17-11151 Jennifer Farrales Custodio**

**Chapter 13**

**#5.10** Hrg re motion to modify plan or  
suspend plan payments

Docket 22

**Tentative Ruling:**

**7/6/17**

Appearances required.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Jennifer Farrales Custodio

Represented By  
Raymond J Bulaon

**Movant(s):**

Jennifer Farrales Custodio

Represented By  
Raymond J Bulaon

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Thursday, July 06, 2017**

**Hearing Room 1575**

9:00 AM

**2:12-51812 Leonicio Garcia**

**Chapter 13**

**#6.10** Hrg re motion to turnover funds due  
to unjust enrichment and restitution to the  
chapter 13 trustee as the funds are property  
of the bankruptcy estate

Docket 80

**Tentative Ruling:**

**7/6/17**

Appearances required.

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| <b>Party Information</b> |
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**Debtor(s):**

Leonicio Garcia

Represented By  
John Habashy

**Movant(s):**

Leonicio Garcia

Represented By  
John Habashy

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se



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**Thursday, July 06, 2017**

**Hearing Room 1575**

9:00 AM

**2:14-23667 Seyed Taher Hejazi and Manijeh Hejazi**

**Chapter 13**

**#7.10** Hrg re motion to authorizing loan  
modification

Docket 65

**Tentative Ruling:**

**7/6/17**

Debtors' unopposed "Motion to Authorize Loan Modification" is GRANTED. The Court finds that entering into a loan modification agreement does not violate the automatic stay provision of 11 U.S.C. § 362 or any other provision of the Bankruptcy Code. The Court, however, will neither review nor approve the specific terms of any such agreement.

**As a procedural note, this type of motion can be brought without a hearing pursuant to LBR 9013-1(o)(1).**

Pursuant to LBR 9021-1(b)(1)(B), movant must serve and lodge a proposed order via LOU within 7 days of the hearing. The proposed order granting this motion must include the following language: "*This Order grants relief only regarding the authority of the debtor and U.S. Bank, N.A. to enter into a loan modification agreement. The Court has not and will not review, adopt or approve the terms of any loan modification agreement.*" Appearances waived.

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| <b>Party Information</b> |
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**Debtor(s):**

Seyed Taher Hejazi

Represented By  
Arthur P DEgidio

**Joint Debtor(s):**

Manijeh Hejazi

Represented By  
Arthur P DEgidio

**Movant(s):**

Manijeh Hejazi

Represented By

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**CONT... Seyed Taher Hejazi and Manijeh Hejazi**

**Chapter 13**

Arthur P DEgidio

Seyed Taher Hejazi

Represented By  
Arthur P DEgidio

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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Central District of California  
Los Angeles  
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**Hearing Room 1575**

9:00 AM

**2:15-14803 Julian T. Hillberg and Debra J. Hillberg**

**Chapter 13**

**#8.10** Hrg re motion for discharge of chapter  
13 debtors per 11 U.S.C. 1328(b)

Docket 41

**Tentative Ruling:**

**7/6/17**

Debtors' unopposed "Motion for Discharge of Chapter 13 Debtors per 11  
U.S.C.

§1328 (b) (hardship discharge)" is GRANTED. Pursuant to LBR 9021-1(b)(1)  
(B), movant must serve and lodge a proposed order via LOU within 7 days of  
the hearing. Appearances waived.

If any party wishes to appear on 7/6/17 regardless of the Court's tentative  
ruling, that party must notify counsel for the opposing party of said intent and  
be prepared to offer testimony in court regarding the efforts taken to notify  
counsel for the opposing party of the intended appearance.

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| <b>Party Information</b> |
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**Debtor(s):**

Julian T. Hillberg

Represented By  
Christian T Spaulding

**Joint Debtor(s):**

Debra J. Hillberg

Represented By  
Christian T Spaulding

**Movant(s):**

Debra J. Hillberg

Represented By  
Christian T Spaulding

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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**Hearing Room 1575**

9:00 AM

**2:17-12358 Scott T Rubin**

**Chapter 13**

**#9.10** Hrg re motion for order determining  
value of collateral

Docket 20

**Tentative Ruling:**

**7/6/17**

Debtor's unopposed "Motion for Order Determining Value of Collateral" is GRANTED. Pursuant to LBR 9021-1(b)(1)(B), movant must serve and lodge a proposed order via LOU within 7 days of the hearing. Appearances waived.

If any party wishes to appear on 7/6/17 regardless of the Court's tentative ruling, that party must notify counsel for the opposing party of said intent and be prepared to offer testimony in court regarding the efforts taken to notify counsel for the opposing party of the intended appearance.

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| <b>Party Information</b> |
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**Debtor(s):**

Scott T Rubin

Represented By  
James R Selth

**Movant(s):**

Scott T Rubin

Represented By  
James R Selth

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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**Hearing Room 1575**

9:00 AM

**2:17-15953 Ben Harrison Tyler**

**Chapter 13**

**#10.10** Hrg re motion for relief from  
in rem order issued against  
Dimple Tyler regarding the  
Parkglen Property

Docket 8

**Tentative Ruling:**

**7/6/17**

Appearances required.

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| <b>Party Information</b> |
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**Debtor(s):**

|                    |        |
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| Ben Harrison Tyler | Pro Se |
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**Movant(s):**

|                    |        |
|--------------------|--------|
| Ben Harrison Tyler | Pro Se |
|--------------------|--------|

**Trustee(s):**

|                      |        |
|----------------------|--------|
| Kathy A Dockery (TR) | Pro Se |
|----------------------|--------|

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**2:17-15649 Maria James**

**Chapter 13**

**#11.10** Order to Appear and Show Cause re Use of SSI number used in a prior bk case with different debtor name **ORD. ENT. 6/14/17 DISM. CASE**

Docket 16

**Tentative Ruling:**

**7/6/17**

The debtor's case was dismissed on 6/14/17. Appearances waived.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Maria James

Pro Se

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Thursday, July 06, 2017**

**Hearing Room 1575**

9:00 AM

**2:12-10263 Rebecca I Okpere**

**Chapter 13**

**#12.10** Hrg re amended motion to disallow  
amended proof of claim number 10-2  
filed by claimant Nationstar Mortgage, LLC

fr. 5-11-17

Docket 96

**Tentative Ruling:**

**7/6/17**

The amended objection to proof of claim number 10-2 filed by U.S. Bank. N.A., and transferred to Nationstar Mortgage, LLC on 4/4/14, has been set for hearing on at least 30 days notice to the claimant as required by FRBP 3007 and LBR 3007-1. The failure of the claimant to file a written response at least 14 days before the hearing as required by LBR 3007-1(b)(6) is considered consent to the sustaining of the objection. See LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9<sup>th</sup> Cir. 1995). In the absence of any filed response by claimant and for good cause, debtor's motion is GRANTED. Any request for refund must be made by debtor directly to Nationstar Mortgage, LLC or by noticed motion for turnover.

Pursuant to LBR 9021-1(b)(1)(B), movant must serve and lodge a proposed order via LOU within 7 days of the hearing. Appearances waived.

If any party wishes to appear on 7/6/17 regardless of the Court's tentative ruling, that party must notify counsel for the opposing party of said intent and be prepared to offer testimony in court regarding the efforts taken to notify counsel for the opposing party of the intended appearance.

**5/11/17**

This objection to amended proof of claim number 10-2 filed by U.S. Bank. N.A., and transferred to Nationstar Mortgage, LLC on 4/4/14, has been set for hearing on at least 30 days notice to the claimant as required by FRBP 3007 and LBR 3007-1. The failure of the claimant to file a written response at least 14 days before the hearing as required by LBR 3007-1(b)(6) is considered

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**CONT...**

**Rebecca I Okpere**

**Chapter 13**

consent to the sustaining of the objection. See LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9<sup>th</sup> Cir. 1995). In the absence of any filed response by claimant and for good cause, debtor's motion is GRANTED.

Pursuant to LBR 9021-1(b)(1)(B), movant must serve and lodge a proposed order via LOU within 7 days of the hearing. Appearances waived.

If any party wishes to appear on 5/11/17 regardless of the Court's tentative ruling, that party must notify counsel for the opposing party of said intent and be prepared to offer testimony in court regarding the efforts taken to notify counsel for the opposing party of the intended appearance.

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| <b>Party Information</b> |
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**Debtor(s):**

Rebecca I Okpere

Represented By

Anthony Obehi Egbase  
Onyinye N Anyama  
Crystle J Lindsey  
Edith Walters

**Movant(s):**

Rebecca I Okpere

Represented By

Anthony Obehi Egbase  
Onyinye N Anyama  
Crystle J Lindsey  
Edith Walters

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se



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**Hearing Room 1575**

9:00 AM

**2:15-16404 Carrie Eileen Higgins**

**Chapter 13**

**#13.10** Hrg re motion objection to the proof of  
claim #4 filed by claimant Quantum3 Group LLC  
as agent for Comenity Capital Bank

Docket 50

**Tentative Ruling:**

**7/6/17**

Quantum3 Group LLC, as agent for Comenity Capital Bank, filed an amended claim (Claim No. 4-2) on 6/22/17. Amended Claim No. 4-2 supersedes the originally filed claim. As such, the claim objection is denied as MOOT. Pursuant to LBR 9021-1(b)(1)(B), movant must serve and lodge a proposed order via LOU within 7 days of the hearing. Appearances waived.

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| <b>Party Information</b> |
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**Debtor(s):**

Carrie Eileen Higgins

Represented By  
Thomas B Ure

**Movant(s):**

Carrie Eileen Higgins

Represented By  
Thomas B Ure

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Hearing Room 1575**

9:00 AM

**2:15-16404 Carrie Eileen Higgins**

**Chapter 13**

**#14.10** Hrg re motion objecting to the proof  
of claim #6 filed by claimant Cerastes, LLC

Docket 51

**Tentative Ruling:**

**7/6/17**

Cerastes, LLC filed an amended claim (Claim No. 6-2) on 6/22/17. Amended Claim No. 6-2 supersedes the originally filed claim. As such, the claim objection is denied as MOOT. Pursuant to LBR 9021-1(b)(1)(B), movant must serve and lodge a proposed order via LOU within 7 days of the hearing. Appearances waived.

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| <b>Party Information</b> |
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**Debtor(s):**

Carrie Eileen Higgins

Represented By  
Thomas B Ure

**Movant(s):**

Carrie Eileen Higgins

Represented By  
Thomas B Ure

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Hearing Room 1575**

9:00 AM

**2:15-16404 Carrie Eileen Higgins**

**Chapter 13**

**#15.10** Hrg re motion objecting to the proof of  
claim #7 filed by claimant Midland Funding LLC

Docket 49

**Tentative Ruling:**

**7/6/17**

Midland Funding, LLC filed an amended claim (Claim No. 7-2) on 6/13/17. Amended Claim No. 7-2 supersedes the originally filed claim. As such, the claim objection is denied as MOOT. Pursuant to LBR 9021-1(b)(1)(B), movant must serve and lodge a proposed order via LOU within 7 days of the hearing. Appearances waived.

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| <b>Party Information</b> |
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**Debtor(s):**

Carrie Eileen Higgins

Represented By  
Thomas B Ure

**Movant(s):**

Carrie Eileen Higgins

Represented By  
Thomas B Ure

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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Central District of California  
Los Angeles  
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**Hearing Room 1575**

9:00 AM

**2:15-16404 Carrie Eileen Higgins**

**Chapter 13**

**#16.10** Hrg re motion objecting to the proof of  
claim #8 filed by claimant CBS Employees  
Federal Credit Union

Docket 52

**Tentative Ruling:**

**7/6/17**

Appearances required.

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| <b>Party Information</b> |
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**Debtor(s):**

Carrie Eileen Higgins

Represented By  
Thomas B Ure

**Movant(s):**

Carrie Eileen Higgins

Represented By  
Thomas B Ure

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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**Thursday, July 06, 2017**

**Hearing Room 1575**

9:00 AM

**2:16-24005 Maria -Teresa A. Cristobal**

**Chapter 13**

**#17.10** Hrg re motion for order disallowing  
amended claim no. 2 of IRS

Docket 49

**Tentative Ruling:**

**7/6/17**

Claim: On 5/5/17, the IRS filed amended claim no. 2-2 reflecting a debt of \$39,140 of which \$31,950.68 is entitled to priority pursuant to section 507(a)(8).

Objection: Debtor objects to claim no. 2-2 on the following grounds:

(1) The claim is not prima facie valid. Other than a four page account information sheet, there are no supporting documents attached to the claim to justify the claim.

(2) Priority taxes as defined by section 507(a)(8) only include unsecured claims for income taxes for years less than three years old or assessed less than 240 days prior to the petition date. The taxes asserted in the claim for years 2009, 2010, 2011 and 2012 are over three years old and were not assessed within 240 days of the petition date. Accordingly, they are not entitled to priority and the priority claim should be reduced by \$26,811.58 or disallowed in its entirety.

Response of IRS:

(1) Amended claim no. 2-2 is prima facie valid. The IRS used the appropriate Form 410 and timely filed the claim. The claim included an attachment setting forth detailed information on the tax liabilities including type of tax, amount of tax, tax period, date of assessment, priority status (if any), secured status (if any), a set-off right (if one exists), and interest and penalties. No further supporting documentation need be attached to the claim.

(2) Tax liabilities for tax years 2014 and 2015 were both due within three

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CONT... Maria -Teresa A. Cristobal

Chapter 13

years of the petition date and are entitled to priority status.

(3) Tax liabilities for tax years 2009, 2010, 2011 and 2012 are entitled to priority status because the 3 year rule under section 507(a)(8) is suspended due to the fact that debtor had a prior chapter 13 case which was pending from 12/28/09 through 9/25/13 (case no. 09-46708 WB). During that case the IRS was prohibited from collecting any tax liabilities, consequently the 3 year rule, plus 90 days, will be suspended for purposes of section 507(a)(8).

Applicable Law: A proof of claim is deemed allowed unless a party in interest objects. 11 U.S.C. § 502(a). Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under FRBP 3001(f). Lundell v. Anchor Constr. Specialists, Inc., 223 F.3d 1035, 1039 (9<sup>th</sup> Cir. 2000). Upon objection, the proof of claim provides "some evidence as to its validity and amount" and carries over a "mere formal objection." Id. The filing of an objection to a proof of claim "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and must be resolved after notice and opportunity for hearing upon a motion for relief. Id.

When a creditor has filed a proof of claim that complies with the rules, thereby giving rise to the presumption of validity, the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." United States v. Offord Fin., Inc. (In re Medina), 205 B.R. 216, 222 (9<sup>th</sup> Cir. BAP 1996). To defeat the claim, the objector must come forward with sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." Lundell, 223 F.3d at 1039, *quoting In re Holm*, 931 F.2d 620, 623 (9<sup>th</sup> Cir. 1991). "The objector must produce evidence which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." Lundell, 223 F.3d at 1040, *quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3<sup>d</sup> Cir. 1992). If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence. Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.), 178 B.R. 222, 226 (9<sup>th</sup> Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9<sup>th</sup> Cir. 1996), *quoting Allegheny Int'l*, 954 F.2d at 173-74. The ultimate burden of persuasion remains at all times on the claimant. Lundell, 223 F.3d at 1039;

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**CONT...**      **Maria -Teresa A. Cristobal**  
Holm, 931 F.2d at 623.

**Chapter 13**

Analysis: The IRS's claim is prima facie valid because it was filed in accordance with FRBP 3001. Therefore, the burden shifts to the debtor to show facts tending to defeat claim 2-2 by probative force equal to the claim itself.

Regarding debtor's insufficient documentation argument, case law is clear that taxing authorities need not submit supporting documentation to claims as otherwise required by FRBP 3001(c). See In re Los Angeles Intern. Airport Hotel Associates, 106 F.3d 1479, 1480 (9th Cir. 1997)(IRS not required to attach any documentation to proof of claim because claim is based on federal statutes not a writing). Thus, claim no. 2-2 cannot be disallowed on that basis.

Regarding the priority status of tax years 2009-2012, the last unlettered paragraph of section 507(a)(8) provides:

*An otherwise applicable time period specified in this paragraph shall be suspended for any period during which a governmental unit is prohibited under applicable nonbankruptcy law from collecting a tax as a result of a request by the debtor for a hearing and an appeal of any collection action taken or proposed against the debtor, plus 90 days; plus any time during which the stay of proceedings was in effect in a prior case under this title or during which collection was precluded by the existence of 1 or more confirmed plans under this title, plus 90 days.*

The tax return for 2009 was due 4/15/10, but the IRS was prohibited from collecting any taxes from 4/15/10 through 9/25/13 due to the prior chapter 13 case. The applicable time period began 12/24/13 which is within three years of the 10/24/16 petition date.

The tax return for 2010 was due 10/15/11 (debtor filed for extension), but the IRS was prohibited from collecting any taxes from 4/18/11 through 9/25/13 due to the prior chapter 13 case. The applicable time period began 12/24/13 which is within three years of the 10/24/16 petition date.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sandra Klein, Presiding  
Courtroom 1575 Calendar**

**Thursday, July 06, 2017**

**Hearing Room 1575**

9:00 AM

**CONT... Maria -Teresa A. Cristobal**

**Chapter 13**

The tax return for 2011 was due 10/15/12 (debtor filed for extension), but the IRS was prohibited from collecting any taxes from 4/16/12 through 9/25/13 due to the prior chapter 13 case. The applicable time period began 12/24/13 which is within three years of the 10/24/16 petition date.

The tax return for 2012 was due 4/15/13, but the IRS was prohibited from collecting any taxes from 4/15/13 through 9/25/13 due to the prior chapter 13 case. The applicable time period began 12/24/13 which is within three years of the 10/24/16 petition date.

Based on the foregoing, the tax liabilities for 2009-2012 are entitled to priority status and the debtor's argument to the contrary cannot serve as a basis for disallowance or recharacterization of the claim for those tax years.

Ruling: Based on the above analysis, debtor has not overcome the prima facie validity of claim no. 2-2 and the objection is **OVERRULED**. Pursuant to LBR 9021-1(b)(1)(B), the prevailing party must serve and lodge a proposed order via LOU within 7 days of the hearing. Appearances waived.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Maria -Teresa A. Cristobal

Represented By  
Stanley D Bowman

**Movant(s):**

Maria -Teresa A. Cristobal

Represented By  
Stanley D Bowman

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sandra Klein, Presiding  
Courtroom 1575 Calendar**

**Thursday, July 06, 2017**

**Hearing Room 1575**

9:00 AM

**2:16-24019 Genevieve Renee Peters**

**Chapter 13**

**#18.10** Hrg re objection to claim #2.1 filed by  
claimant Pacific Cove at Playa Del  
Rey HOA.

fr. 6-8-17

Docket 17

**Tentative Ruling:**

**7/6/17**

Appearances required.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Genevieve Renee Peters

Pro Se

**Movant(s):**

Genevieve Renee Peters

Pro Se

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sandra Klein, Presiding  
Courtroom 1575 Calendar**

**Thursday, July 06, 2017**

**Hearing Room 1575**

9:00 AM

**2:16-26844 Keenan Scott Heath and Yao Jane Carol Heath**

**Chapter 13**

**#19.10** Hrg re objection to payment of claim  
no. 11-1 filed by claimant Wells Fargo  
Financial National Bank

Docket 44

**Tentative Ruling:**

**7/6/17**

The objection to proof of claim number 11-1 filed by Wells Fargo Financial National Bank has been set for hearing on at least 30 days notice to the claimant as required by FRBP 3007 and LBR 3007-1. The failure of the claimant to file a written response at least 14 days before the hearing as required by LBR 3007-1(b)(6) is considered consent to the sustaining of the objection. See LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9<sup>th</sup> Cir. 1995). In the absence of any filed response by claimant and for good cause, debtors' motion is GRANTED. Claim number 11-1 is only allowed as an unsecured claim in the amount of \$15,612.75.

Pursuant to LBR 9021-1(b)(1)(B), movant must serve and lodge a proposed order via LOU within 7 days of the hearing. Appearances waived.

If any party wishes to appear on 7/6/17 regardless of the Court's tentative ruling, that party must notify counsel for the opposing party of said intent and be prepared to offer testimony in court regarding the efforts taken to notify counsel for the opposing party of the intended appearance.

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| <b>Party Information</b> |
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**Debtor(s):**

Keenan Scott Heath

Represented By  
Gregory M Shanfeld

**Joint Debtor(s):**

Yao Jane Carol Heath

Represented By  
Gregory M Shanfeld

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sandra Klein, Presiding  
Courtroom 1575 Calendar**

**Thursday, July 06, 2017**

**Hearing Room 1575**

9:00 AM

**CONT... Keenan Scott Heath and Yao Jane Carol Heath**

**Chapter 13**

**Movant(s):**

Yao Jane Carol Heath

Represented By  
Gregory M Shanfeld  
Gregory M Shanfeld

Keenan Scott Heath

Represented By  
Gregory M Shanfeld  
Gregory M Shanfeld

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sandra Klein, Presiding  
Courtroom 1575 Calendar**

**Thursday, July 06, 2017**

**Hearing Room 1575**

9:00 AM

**2:17-11380 Joanna Chon**

**Chapter 13**

**#20.10** Hrg re objection to claim no. 5 *VOL. DISM. OF OBJ. TO CLM. FILED 6/3/17*  
filed by claimnat Dept. of the  
Treasury- IRS

Docket 21

**Tentative Ruling:**

**7/6/17**

Debtor filed a voluntary dismissal of the objection to claim on 6/3/17.

Appearances waived.

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| <b>Party Information</b> |
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**Debtor(s):**

Joanna Chon

Represented By  
Arsen Pogoso

**Movant(s):**

Joanna Chon

Represented By  
Arsen Pogoso  
Arsen Pogoso  
Arsen Pogoso

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sandra Klein, Presiding  
Courtroom 1575 Calendar**

**Thursday, July 06, 2017**

**Hearing Room 1575**

9:00 AM

**2:17-11908 Omar Rivas**

**Chapter 13**

**#21.10** Hrg re motion to disallow claim #2 ***VOL. DISM. OF MTN. FILED 6/19/17***  
filed by claimant LVNV Funding, LLC

fr. 6-29-17

Docket 32

**Tentative Ruling:**

**7/6/17**

The motion was voluntarily dismissed on 6/19/17. Appearances waived.

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| <b>Party Information</b> |
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**Debtor(s):**

Omar Rivas

Represented By  
Luis G Torres

**Movant(s):**

Omar Rivas

Represented By  
Luis G Torres  
Luis G Torres  
Luis G Torres  
Luis G Torres

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sandra Klein, Presiding  
Courtroom 1575 Calendar**

**Thursday, July 06, 2017**

**Hearing Room 1575**

9:00 AM

**2:17-14200 Donald Manuel Perry and Margaret Louanna Leake**

**Chapter 13**

**#22.10** Hrg re objection to proof of claim #1  
filed by claimant Palisades Collections, LLC

Docket 29

**Tentative Ruling:**

**7/6/17**

This objection to proof of claim number 1-1 filed by Palisades Collections, LLC has been set for hearing on at least 30 days notice to the claimant as required by FRBP 3007 and LBR 3007-1. The failure of the claimant to file a written response at least 14 days before the hearing as required by LBR 3007-1(b)(6) is considered consent to the sustaining of the objection. See LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9<sup>th</sup> Cir. 1995). In the absence of any filed response by claimant and for good cause, debtors' objection is SUSTAINED.

Pursuant to LBR 9021-1(b)(1)(B), movant must serve and lodge a proposed order via LOU within 7 days of the hearing. Appearances waived.

If any party wishes to appear on 7/2/14 regardless of the Court's tentative ruling, that party must notify counsel for the opposing party of said intent and be prepared to offer testimony in court regarding the efforts taken to notify counsel for the opposing party of the intended appearance.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Donald Manuel Perry

Represented By  
David P Farrell

**Joint Debtor(s):**

Margaret Louanna Leake

Represented By  
David P Farrell

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sandra Klein, Presiding  
Courtroom 1575 Calendar**

**Thursday, July 06, 2017**

**Hearing Room 1575**

9:00 AM

**CONT...**

**Donald Manuel Perry and Margaret Louanna Leake**

**Chapter 13**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sandra Klein, Presiding  
Courtroom 1575 Calendar**

**Thursday, July 06, 2017**

**Hearing Room 1575**

9:00 AM

**2:10-42867 MaryEtta C Marks**

**Chapter 13**

**#23.10** Hrg re objection to notice of  
intent to pay claims

Docket 235

**Tentative Ruling:**

**7/6/17**

Internal Revenue Service filed an amended claim (Claim No. 5-3) on 6/21/17. Amended Claim No. 5-3 supersedes amended Claim No. 5-2. As such, the claim objection is denied as MOOT. Pursuant to LBR 9021-1(b)(1)(B), movant must serve and lodge a proposed order via LOU within 7 days of the hearing. Appearances waived.

If any party wishes to appear on 7/6/17 regardless of the Court's tentative ruling, that party must notify counsel for the opposing party of said intent and be prepared to offer testimony in court regarding the efforts taken to notify counsel for the opposing party of the intended appearance.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

MaryEtta C Marks

Pro Se

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sandra Klein, Presiding  
Courtroom 1575 Calendar**

**Thursday, July 06, 2017**

**Hearing Room 1575**

10:00 AM

**2:00-00000**

**Chapter**

**#0.00 PLEASE BE ADVISED THAT THE CHAPTER 13 10:00 A.M.  
CONFIRMATION CALENDAR CAN BE VIEWED ON THE COURTS  
WEBSITE ([www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) UNDER: CALENDAR INFORMATION >SELF  
CALENDARING> KLEIN, S (LA) > DATES > HONORABLE SANDRA R. KLEIN > CHAPTER  
13>CHAPTER 13 CALENDAR**

Docket 0

**Tentative Ruling:**

- NONE LISTED -

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sandra Klein, Presiding  
Courtroom 1575 Calendar**

**Thursday, July 06, 2017**

**Hearing Room 1575**

10:30 AM

**2:00-00000**

**Chapter**

**#0.00 PLEASE BE ADVISED THAT THE CHAPTER 13 10:30 A.M.  
TRUSTEE'S MOTION TO DISMISS CALENDAR CAN BE VIEWED ON THE  
COURTS WEBSITE ([www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) UNDER: CALENDAR INFORMATION >  
SELF CALENDARING> KLEIN, S (LA) > DATES > HONORABLE SANDRA R. KLEIN >  
CHAPTER 13>MOTION HEARINGS CALENDAR**

Docket 0

**Tentative Ruling:**

- NONE LISTED -

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sandra Klein, Presiding  
Courtroom 1575 Calendar**

**Thursday, July 06, 2017**

**Hearing Room 1575**

10:30 AM

**2:16-14183 David L. Ashby and Brenda A. Ashby**

**Chapter 13**

**#195.00** Hrg re trustee's motion for order disallowing  
duplicate proof of claim of Gwen Kellas (claim #7)

Docket 42

**Tentative Ruling:**

**6/8/17**

Claim number 7-1 was withdrawn on 5/10/17. The claim objection is denied as MOOT. Pursuant to LBR 9021-1(b)(1)(B), movant must serve and lodge a proposed order via LOU within 7 days of the hearing. Appearances waived.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

David L. Ashby

Represented By  
Vadim F Frish

**Joint Debtor(s):**

Brenda A. Ashby

Represented By  
Vadim F Frish

**Movant(s):**

Kathy A Dockery (TR)

Pro Se

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se